



POINTS TO NOTE

- When you register land, keep pre-registration documents – they may be useful;
- Do not be afraid to double-check official notices – they may contain errors.

BACKGROUND

A member of our agricultural property team received a telephone call from a farmer client. The vicar had visited our client and told him that research at the county archives showed that his home and some of his land was subject to a liability to pay for the repair of the chancel of the local church.

In due course our client received a notice from HM Land Registry. It confirmed that an application had been made by the Parochial Church Council (PCC) and that the property was now recorded as being “subject to a liability to repair the chancel” of the local church. Hardly good news!

ACTION

When land is first registered at the Land Registry, as a matter of good practice we always recommend that the pre-registration deeds are retained. This is because they may contain information that may be of use in the future. (The Land Registry standard practice is to destroy original deeds on registration, so any applications for registration should include a request that the original deeds are returned.)

In this instance, we had recently reviewed the pre-registration deeds for our client’s land in order to advise on an unrelated question. Again as a matter of good practice, our solicitor had scanned the documents to see if there was anything of interest or concern. He had noticed that with the deeds there was a document from 75 years ago showing that a previous owner of the property had bought out (“compounded”) the chancel repair liability for a one-off payment of just under £200 – not an insubstantial amount of money in those days.

Armed with that information, we were able to advise the client that he was, in all likelihood, *not* liable for the repair of the chancel.

OUTCOME

A letter to the vicar was duly dispatched, including a copy of the old document. An application is now being made by the PCC to cancel the entry on the register that relates to chancel repair liability.

For further information on Chancel Repair please contact Simeon Disley on 01775 842526.

For further details please contact us:

Spalding	01775 842500
Peterborough	01733 558585
Newmarket	01638 561320
Nottingham	0115 9484555

www.roythornes.co.uk